

sequences can be aligned using methods described in two publications, and the specification provides parameters that can be used with these methods (see page 13, lines 25-37). For example, sequences can be aligned using the algorithm described in the Altschul publication, which finds optimal alignments between sequences. The Altschul method requires the designation of affine gap costs, calculated by the formula: (gap opening penalty) + (gap extension penalty)(length of sequence). The present specification teaches that the gap opening penalty can have a value of 10, and that the gap extension penalty can have a value of 1. The specification also teaches that following alignment, the percent identity is calculated by a recited formula.

In the Office Action dated December 8, 1998, the Examiner made two rejections of the claims. In response, applicants respectfully submit the following remarks.

**1. *Rejection under 35 USC §102***

The Examiner has maintained the rejection of claims 33-38 under 35 USC §102(e), as being anticipated by Collins *et al.*, U.S. Patent No. 5,710,023. The Examiner's position is that the Rule 131 declaration filed on August 26, 1998, was insufficient to remove the Collins reference because the declaration was not signed by Theresa Farrah, one of the named inventors of the present application. Applicants submit herewith a copy of the Rule 131 declaration executed by Theresa Farrah. Thus, this rejection of the claims now is moot.

In view of the declaration and remarks above, applicants respectfully request the Examiner to withdraw the rejection of the claims under §102(e). Reconsideration of the claims is respectfully requested.

**2. *Rejection under 35 USC §112***

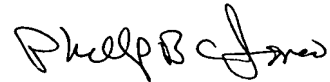
The Examiner has rejected claims 33-38 under the first paragraph of 35 USC §112, as containing subject matter that was not described in the application. In particular, the Examiner has objected to the recitation of "allelic variant." To expedite prosecution, applicants have deleted this language from the claims. Thus, this rejection of the claims now is moot.

In view of the amendment and remarks above, applicants respectfully request the Examiner to withdraw the rejection of the claims under §112, first paragraph. Reconsideration of the claims is respectfully requested.

***Conclusion***

Reconsideration of the application and its allowance are requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6681.

Respectfully submitted,  
James W. Baumgartner *et al.*

A handwritten signature in black ink, appearing to read "Phillip B. C. Jones". The signature is written in a cursive, flowing style.

Phillip B. C. Jones  
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